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REMARKS

This Amendment and Response amends claims 30, 61, 63, 72, 76, 77, 78, 79 and 80. Claims 30-34, 61-65, 67 and 69-80 are pending in this application.

I. Objections to the Specification

A. Abstract

The Action objected to the abstract of the disclosure because "it is two separate paragraphs not a single paragraph" and because it "contains legal phraseology." A replacement abstract has been submitted herewith that consists of a single paragraph and corrects the objected-to language.

B. Disclosure

The Action objected to the disclosure because of a reference to the claims. Paragraph [0125] has been deleted and replaced with new Paragraph [125] which does not reference the claims.

II. Claim Objections

The Action objected to Claim 32 because its status identifier was improper. The status identifier of Claim 32 has been corrected. The Action further objected to Claim 76 which contained a typographical error. That error has been corrected.

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III. Claim Rejections

A. 35 U.S.C. §112 Rejections

The Action rejected Claims 61, 63, 72, 78 and 80 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 61, 63, 72 and 78 have been amended to clarify that the “at least one marinade application station” is being claimed. Claim 80 has been amended to clarify that an “adhesive agent” application station is being claimed.

B. 35 U.S.C. §103 Rejections

1. Claims 30, 61, 67, 69, 70 and 73

Claims 30, 61, 67, 69, 70 and 73 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dew in view of Ludwig. Dew teaches a method for processing food products by spraying them with water in an electric field. If desired, the water can includes additives to preserve, for example, the color or flavor of the food product. Ludwig teaches the injection of solutions into poultry carcasses through the use of needles. The Action states that “it would have been obvious to one of ordinary skill in the art to provide plural marinade application stations with at least one different marinade from the rest of the stations as taught by Ludwig, in the Dew apparatus in order to provide a more flavorful meat product due to the incorporation of plural flavoring treatments to a single meat product.” Action, p. 4.

First, Applicants respectfully disagree that there was any suggestion or motivation in either the prior art references or knowledge generally available to one of ordinary skill in the

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art to combine the Dew and Ludwig references. Dew discloses a system wherein additives may be included in a water spray to "preserve color, flavor, protect. . . or improve the products to be processed by spraying." Dew, Col. 5, lines 1-3. Thus, Dew provides that an additive is mixed with the water that is to be sprayed on a carcass. Ludwig provides a system in which solutions, either identical or different, are injected into different portions of a carcass. Under the Action's theory, it would have been obvious to combine the different solutions of Ludwig with the Dew apparatus.

In fact, it would not have been obvious to combine the Dew and Ludwig references at all. Ludwig is related solely to injecting a carcass with a solution whereas Dew is related to the application of a solution through spray. Ludwig teaches treatment of the interior of the carcass whereas Dew teaches treatment of the exterior. To one of ordinary skill in the art, these two techniques are totally distinct and techniques which, in fact, require distinct equipment. One of ordinary skill in the art considering Dew, and wishing to provide for the application of different marinades to the exterior of a carcass, would not look to Ludwig and its injection techniques. Even if Ludwig was in fact considered, however, one of ordinary skill certainly would not retain the sequential treatment with different marinade features of Ludwig and the application technique of Dew. A conclusion of obviousness based on the combination of Dew and Ludwig is only available when based on improper hindsight reasoning.

In addition, it would not have been obvious to combine the Dew and Ludwig references because the combination actually renders the prior art unsatisfactory for its

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intended purpose. *See* MPEP 2143.01 In order to modify Dew to render the claimed invention obvious, the nozzles of Dew would have to be placed in consecutive marinade applications stations wherein at least one of the marinades of the marinade stations differed from the rest of the stations. This would result in a carcass first being treated with a water spray containing one marinade and then treated with a water spray containing a different marinade. But the application of such water-based sprays in two consecutive steps would actually result in the removal of the first marinade spray by the application of the second! Thus, the combination of Dew and Ludwig would render at least Ludwig, which teaches the treatment of a carcass with different solutions (attainable in Ludwig through injection), unsuitable for its intended purpose.

Thus, based on this lack of suggestion in the prior art of the desirability of combining the Dew and Ludwig references, and that the combination of references would actually render them unsatisfactory for their intended purpose Applicants respectfully request that the Examiner's 35 U.S.C. §103 rejections be withdrawn.

In order to further this application towards allowance, however, Applicants have amended Claim 30 to specify that the invention comprises a device for applying multiple coatings of marinade in which a portion of the meat product is coated with *overlapping* sections of marinade. In order to further this application towards allowance, however, Applicants have amended Claim 30 to specify that the invention comprises a device for applying multiple coatings of marinade in which a portion of the meat product is coated with *overlapping* sections of marinade. The industry norm for applying multi-flavor coatings on

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meat products is through the introduction of pre-mixed marinades into the tumbler. As provided in the specification, this process presents many drawbacks, including the waste of marinade, cross-contamination of meat products, and the lack of control of the marinade application process. The present invention utilizes nozzles and may or may not further utilize shielding devices or electrostatic operations which allow certain parts of the meat product to be treated or left untreated, as desired. By adjusting the directions of the nozzles, the Applicants are able to obtain a device in which a meat product may be treated with multiple coatings of different, overlapping marinades. As this feature is neither taught nor suggested by the prior art, either alone or in combination, Applicants respectfully request that Claim 30, and additionally Claims 31-34, 61-65, 67, and 69-76 which ultimately depend from Claim 30, be allowed.

2. Claims 31-33 and 62

Claims 31-33 and 62 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dew in view of Ludwig and further in view of Muschany. As stated above, neither Dew nor Ludwig, alone or in combination, teach or suggest a device for applying multiple coatings of marinade in which a portion of the meat product is coated with *overlapping* sections of marinade. Muschany does not correct this deficiency. Thus, Applicants respectfully request Claims 31-33 and 62 be allowed.

3. Claim 34

Claim 34 was rejected under 35 U.S.C. §103(a) as being unpatentable over Dew in view of Ludwig and further in view of Evans. As stated above, neither Dew nor Ludwig,

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alone or in combination, teach or suggest a device for applying multiple coatings of marinade in which a portion of the meat product is coated with *overlapping* sections of marinade. Evans does not correct this deficiency. Thus, Applicants respectfully request Claim 34 be allowed.

4. Claims 63 and 72

Claims 63 and 72 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dew in view of Ludwig and further in view of Vincent. As stated above, neither Dew nor Ludwig, alone or in combination, teach or suggest a device for applying multiple coatings of marinade in which a portion of the meat product is coated with *overlapping* sections of marinade. Vincent does not correct this deficiency. Thus, Applicants respectfully request Claims 63 and 72 be allowed.

5. Claims 64 and 65

Claims 64 and 65 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dew in view of Ludwig and further in view of Newman or Gorl. As stated above, neither Dew nor Ludwig, alone or in combination, teach or suggest a device for applying multiple coatings of marinade in which a portion of the meat product is coated with *overlapping* sections of marinade. Newman nor Gorl correct this deficiency. Thus, Applicants respectfully request Claims 64 and 65 be allowed.

6. Claims 71 and 74-76

Claims 71 and 74-76 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dew in view of Ludwig and further in view of Janssen. As stated above, neither Dew

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nor Ludwig, alone or in combination, teach or suggest a device for applying multiple coatings of marinade in which a portion of the meat product is coated with *overlapping* sections of marinade. Janssen does not correct this deficiency. Thus, Applicants respectfully request Claims 71 and 74-76 be allowed.

7. Claim 77

Claim 77 was rejected under 35 U.S.C. §103(a) as being unpatentable over Dew in view of Ludwig and further in view of Janssen. The teachings of Dew and Ludwig have previously been discussed. Janssen teaches a conveyor device in which rotary meat product holders are utilized. Claim 77 has been amended to specify a device for applying multiple coatings of marinade in which a meat product is rotated during application so that the desired portion of the meat product is treated with the marinade. Neither Dew, Ludwig nor Janssen, alone or in combination, teach or suggest a device in which a meat product can be treated with multiple coatings of marinade in which the meat product is rotated so that the desired portion is treated. Thus, Applicants respectfully request that Claim 77 be allowed.

8. Claim 78

Claim 78 was rejected under 35 U.S.C. §103(a) as being unpatentable over Dew in view of Ludwig and Janssen and further in view of Vincent. As provided above, neither Dew, Ludwig nor Janssen, alone or in combination, teach or suggest a device in which a meat product can be treated with multiple coatings of marinade in which the meat product is rotated so that the desired portion is treated. Vincent does not correct this deficiency. Thus, Applicants respectfully request Claim 78 be allowed.

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9. Claims 79 and 80

Claims 79 and 80 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dew in view of Ludwig, Evans and Janssen. The teachings of Dew, Ludwig and Janssen have previously been discussed. Evans teaches a method for treating food products using an electrostatic process. Claim 79 has been amended to specify a device for applying multiple coatings of marinade in which a meat product is rotated during application so that the desired portion of the meat product is treated with the marinade. Neither Dew, Ludwig, Janssen nor Evans, alone or in combination, teach or suggest a device in which a meat product can be treated with multiple coatings of marinade in which the meat product is rotated so that the desired portion is treated. Thus, Applicants respectfully request that Claim 79, as well as Claim 80 which depends from it, be allowed.

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PETITION FOR THREE-MONTH TIME EXTENSION

Applicants hereby petition that the period for responding to the Examiner's Action mailed on December 7, 2005 be extended for three months, up to and including June 7, 2006. The Examiner is authorized to charge the \$1,020 fee for a three month extension of time to Kilpatrick Stockton LLP's American Express Account. A Credit Card Payment Form PTO-2038 is enclosed. The undersigned attorney believes no further fees are due; however, the Commissioner is authorized to debit deposit account no. 11-0855 to the extent necessary if additional fees are due.

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CONCLUSION

Applicant's Assignee respectfully submits that claims 30-34, 61-65, 67 and 69-80 are in condition for immediate allowance, and requests early notification of their allowance. If there are any matters that can be addressed by telephone, the Examiner is urged to contact the undersigned prior to issuance of a final Office action.

Applicants' Assignee believes that no additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account 11-0855.

Respectfully submitted,



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